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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,322	06/22/2000	James Kardach	042390.P6596	8635
7590 01/26/2005			EXAMINER	
Gregg A Peacock Blakely Sokoloff Taylor & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			LEVITAN, DMITRY	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 01/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/599,322	KARDACH, JAMES	
	Examiner	Art Unit	
	Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Amendment, filed 09/17/04, has been entered. Claims 1-28 remain pending.

Drawings

1. The drawings are objected to because it seems that filter 312 and D/A converter on Fig. 3 should be connected to the transmission line 110, as disclosed on page 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

Regarding claims 1, 7 and 14, a radio transceiver to route the wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively.

Regarding claims 5 and 11, how to determine that the wireless data is a voice data.

Regarding claims 20 and 26, how to determine that the wireless communication data is for a cordless telephony service.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1, 7, 14, 17, 20, 23 and 26 limitations “transmission line to serve as wiring for network (LAN)” are unclear, because it is not understood which parts of interconnected networks can be considered serving as wiring for one of them and which are not.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-6, 17-19 and 23-25 are rejected (as understood) under 35 U.S.C. 102(e) as being anticipated by Gerszberg (US 6,424,646).

8. Regarding claims 1, 6, 17, 18, 23 and 24, Gerszberg teaches an apparatus, a system and a method (intelligent service director 22 on Fig. 1, 2 and 2:65-67, 3:1-22) comprising:

A network circuit to couple to a LAN (Ethernet interface 119 on Fig. 2 and 4:27-40 for interconnecting computers as shown on Fig. 9) through a transmission line (customer connection 30 on Fig. 1 or life line on Fig. 2, disclosed as a twisted pair 3:1-3), the transmission line to serve as a wiring for the LAN (the transmission line utilized by the system as Corporate LAN extension for Work-at-Home 7:39-60),

A modem to couple to a WAN through a transmission line (IP bridge router 106 on Fig. 2 and 4:27-35 to couple to the Internet 5:21-26),

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A D/A converter to couple to a telephone network through the transmission line (inherently part of the system, because Gerszberg teaches digitizing POTS data to use multiple analog telephones as shown on Fig. 5 and 9:34-38, including mu-law coding 10:14-15),

A radio transceiver coupled to the network circuit (inherently part of the system, because Gerszberg teaches using wireless connection to connect a variety of customer devices to the ISD 4:4-13), the modem and the D/A converter to receive wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively (interconnecting customer computer to the corporate LAN 7:39-58).

In addition, regarding claims 17, 18, 23 and 24, Gerszberg teaches routing the wireless communication data (wireless customer devices) to a POTS customer (PSTN on Fig. 1) and LAN corporate computer 7:39-60).

9. Regarding claims 3, 19 and 25, Gerszberg teaches transmission line as a POTS line (twisted pair 30 on Fig. 1 with POTS function 3:9-21).

10. Regarding claim 4, Gerszberg teaches using wireless connection to connect a variety of customer devices to the ISD 4:4-13, so mentioned customer telephone and computer are mobile.

11. Regarding claim 5, Gerszberg teaches using a D/A converter to couple to a telephone network through the transmission line and separating all types of the wireless communication with customer devices for appropriate interfaces (inherently part of the system, because forwarding data to the appropriate interface is essential for the system operation).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7-16, 20-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Foley (US 6,069,899) and admitted prior art (pages 1 and 2 of Background).

14. Regarding claim 7, Gerszberg substantially teaches the limitations of claim 7 (see claim 1 rejection above), including using the first frequency range for POTS (life line connection, in case of the power failure 4:56-60).

Gerszberg does not teach using second range for WAN and other connections and using BLUETOOTH standard for the radio transceiver.

Foley teaches using second range for WAN and other connections (ADSL upstream 402 on Fig. 4A and 6:32-60, wherein all communications, excluding POTS, are transmitted in the ADSL upstream frequency range).

The admitted prior art teaches using BLUETOOTH standard for wireless devices (pages 1 and 2 of the Background).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using first frequency range for POTS and second range for WAN and other connections of Foley and using BLUETOOTH standard of admitted prior art to the system of

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Gerszberg to improve the system utilizing ADSL and BLUETOOTH to make the system compatible with other units using popular standards.

15. Regarding claim 8, Gerszberg teaches a LAN located in a residential home (Computers 14A and 14B connected to an Ethernet bus on Fig. 5).

16. Regarding claim 9, Gerszberg teaches transmission line as a POTS line (twisted pair 30 on Fig. 1 with POTS function 3:9-21).

17. Regarding claims 11-13, Gerszberg teaches separating all types of the wireless communication with customer devices for appropriate interfaces, including voice data for D/A converter, WAN data for the routing and LAN data for the corporate LAN (inherently part of the system, because forwarding data to the appropriate interface is essential for the system operation).

18. Regarding claim 10, Gerszberg in view of Foley substantially teach the limitations of parent claims 7 and 9.

Gerszberg in view of Foley do not teach using RJ-11 connector.

Official notice is taken that using RJ-11 connector is well known and expected in the art, as RJ-11 connector is widely used in the telephone industry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using RJ-11 connector to the system of Gerszberg in view of Foley to improve the system compatibility with widely used standard connector.

19. Regarding claims 14 and 16, Gerszberg substantially teaches the limitations of claims 14-16.

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Gerszberg teaches an apparatus, a system and a method (intelligent service director 22 on Fig. 1, 2 and 2:65-67, 3:1-22) comprising:

A processing unit (processing unit 102 on Fig. 2 and 4:27-30),

A memory (ROM, DRAM and SRAM on Fig. 2 and 4:27-31),

A network circuit to couple to a LAN (Ethernet interface 119 on Fig. 2 and 4:27-40 for interconnecting computers as shown on Fig. 9) through a transmission line (customer connection 30 on Fig. 1 or life line on Fig. 2, disclosed as a twisted pair 3:1-3), the transmission line to serve as a wiring for the LAN (the transmission line utilized by the system as Corporate LAN extension for Work-at-Home 7:39-60),

A modem to couple to a WAN through a transmission line (IP bridge router 106 on Fig. 2 and 4:27-35 to couple to the Internet 5:21-26),

A D/A converter to couple to a telephone network through the transmission line (inherently part of the system, because Gerszberg teaches digitizing POTS data to use multiple analog telephones as shown on Fig. 5 and 9:34-38, including mu-law coding 10:14-15),

A radio transceiver coupled to the network circuit (inherently part of the system, because Gerszberg teaches using wireless connection to connect a variety of customer devices to the ISD 4:4-13), the modem and the D/A converter to receive wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively (interconnecting customer computer to the corporate LAN 7:39-58).

Gerszberg does not teach a filter coupled to the network circuit.

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Foley teaches a filter coupled to the network circuit (diplexer filter, including low-pass and high-pass filters 3:53-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a filter coupled to the network circuit of Foley to the system of Gerszberg to improve the system separation of the POTS and ADSL data.

20. Regarding claim 15, Gerszberg and Foley substantially teach the limitations of claim 14 (see claim 14 rejection above).

Gerszberg does not teach using BLUETOOTH standard for the radio transceiver.

Prior art teaches using BLUETOOTH standard for wireless devices (pages 1 and 2 of the Background).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using BLUETOOTH standard of admitted prior art to the system of Gerszberg to improve the system utilizing BLUETOOTH to make the system compatible with other units using popular BLUETOOTH standard.

21. Regarding claims 20-22 and 26-28, Gerszberg substantially teaches the limitations of claims 20 and 26 (see claim 1 rejection above), including using the first frequency range for POTS (POTS line is well known to be used for cordless phone or a dial up connection) and connecting to a corporate LAN.

Gerszberg does not teach using second range for WAN and other connections.

Foley teaches using second range for WAN and other connections (ADSL upstream 402 on Fig. 4A and 6:32-60, wherein all communications, excluding POTS, are transmitted in the ADSL upstream frequency range).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using first frequency range for POTS and second range for WAN and other connections of Foley to the system of Gerszberg to improve the system utilizing ADSL to make the system compatible with other units using popular standard.

22. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of the admitted prior art.

Gerszberg substantially teaches the limitations of claim 14 (see claim 1 rejection above).

Gerszberg does not teach using BLUETOOTH standard for the radio transceiver.

The admitted prior art teaches using BLUETOOTH standard for wireless devices (pages 1 and 2 of the Background).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using BLUETOOTH standard of admitted prior art to the system of Gerszberg to improve the system utilizing BLUETOOTH to make the system compatible with other units using popular BLUETOOTH standard.

Response to Arguments

23. Applicant's arguments filed 09/17/04 have been fully considered but they are not persuasive.

On pages 10 and 11 of the Response, Applicant argues that wireless transceiver is fully disclosed in the application on page 5 lines 21-27.

Examiner respectfully disagrees.

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The disclosure of the wireless transceiver on page 5 lines 21-27 contains only very general information regarding the transceiver utilizing BLUETOOTH standard and RJ-11 connector. It provides no details on respective routing of the received wireless communication to appropriate device on LAN, WAN or telephone network.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Dmitry Levitan
Patent Examiner.

01/12/05



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